

## Title 35-A, §2102, Approval to furnish service

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### §2102. Approval to furnish service

The following provisions apply to furnishing service. [1987, c. 141, Pt. A, §6 (new).]

**1. Approval required.** Except as provided in subsection 2 and in section 4507, a public utility may not furnish any of the services set out in section 2101 in or to any municipality in or to which another public utility is furnishing or is authorized to furnish a similar service without the approval of the commission. The commission may condition approval upon the submission of a bond or other financial security if the commission determines that such a requirement is necessary to ensure that a public utility has the financial ability to meet its obligations under this Title.

[2003, c. 505, §28 (amd).]

**2. Approval not required.** Except as provided in section 2104, the commission's approval is not required for a public utility to furnish service in any municipality in which that public utility is furnishing service on October 8, 1967. Approval is not required for the operation of a radio paging service or mobile telecommunications services. Approval is not required for a transmission and distribution utility to distribute electricity to any other transmission and distribution utility.

[1999, c. 398, Pt. A, §30 (amd); §§104, 105 (aff).]

#### **2-A. Northern Maine Transmission Corporation.**

[2003, c. 506, §11 (rp).]

**3. Exemption for certain telephone utilities.** The commission by rule may exempt a specified telephone utility or group of telephone utilities from obtaining the approval required by subsection 1 if the commission finds that the exemption will not result in unjust or unreasonable rates or inadequate service for any telephone utility customers. The commission may limit the exemption to specified geographic areas. For good cause, as provided in the rule establishing the exemption, the commission may revoke an exemption in whole or in part, including an exemption granted to a single telephone utility. A telephone utility that is exempt from the approval requirement of subsection 1:

A. Before commencing service, shall notify the commission of its intent to commence the exempted service and provide any other information the commission may require; [1997, c. 118, §1 (new).]

B. Shall obtain the approval of the commission under subsection 1 to provide any service other than the services specified in the exemption granted by the commission under this subsection; and [1997, c. 118, §1 (new).]

C. Remains subject to any other applicable provisions of this Title and commission rules. [1997, c. 118, §1 (new).]

Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter II-A and must be submitted to the Joint Standing Committee on Utilities and Energy by January 1, 1999.

[1997, c. 569, §1 (amd); §2 (aff).]

PL 1987, Ch. 141, §A6 (NEW).

PL 1991, Ch. 342, §4 (AMD).

PL 1997, Ch. 118, §1 (AMD).

PL 1997, Ch. 569, §1 (AMD).

PL 1997, Ch. 569, §2 (AFF).

PL 1999, Ch. 398, §A104,105 (AFF).

## **Title 35-A, §2102, Approval to furnish service**

PL 1999, Ch. 398, §A30 (AMD).

PL 1999, Ch. 513, §7 (AMD).

PL 2003, Ch. 505, §28 (AMD).

PL 2003, Ch. 506, §11 (AMD).